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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DAVID WILLIAM ROTH

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06/04/2007

EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Responsive Amendment

1. The reply filed on March 15, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The applicant argued that since the present application is a continuation-in-part of application 08/787,979, which has a priority date of January 22, 1997, the rejection over Yager is deemed moot. As such the applicant failed to respond to the rejection set forth by the examiner in the Office Action dated August 15, 2006. The present application is a continuation-in-part and therefore receives the January 22, 1997 priority date only for the features, which were disclosed in the prior filed application. As supported by the applicant's specification in paragraph [0214] as well as at least dependent claims 97-111, 149-163, and 201-215, the independent claims (Claims 49, 62, 114, and 166) are to be interpreted broadly enough to incorporate the ability to include parameters that detail the effectiveness of the advertisement in the bid selection logic. The examiner cannot find support for this feature in application 08/787,979, and thus the Yager reference is not moot and a response to the examiners rejection based upon the Yager reference is required. In an effort to further the prosecution of the case, the examiner has perused the proposed amendments and would like to suggest including the specific step detailing how effectiveness, "goodness", or beneficial value is determined in the independent claims. A more narrowly claimed amendment incorporating such material may constitute allowable subject matter. Additionally, the examiner suggests amending Claim 49 to more clearly recite that

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the bidding agent of the advertiser is performing the real time bidding. As the claim is currently written one might incorrectly interpret the claim by assuming that the advertiser itself is bidding in real time. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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